

**California State Personnel Board – Agenda  
Board Meeting  
Wednesday, February 25, 2009 – 10:00 a.m.**

**Public and Closed Session Location  
801 Capitol Mall, Room 150  
Sacramento, CA 95814**

**10:00 a.m.    Open Session**

*Call to Order and Roll Call*

- I.    Information and Discussion Items**
  - Report of the Executive Officer
  - Report of the Acting Chief Counsel
  - Report on Legislation
  - New Business

**10:15 a.m.    Closed Session**

Attachment 1

- I.    Employee Appointments, Disciplinary Matters, and Other Appeals (As set forth in Attachment 7)**
- II.   Deliberation on Non-Evidentiary Cases and Adverse Actions, Discrimination Complaints and other Proposed Decisions Submitted by Administrative Law Judges (As set forth in Attachment 8)**
- III.   Pending Litigation**
- IV.   Recommendations to the Legislature**
- V.    Recommendations to the Governor**
- VI.   Employee Personnel Matter**

**11:00 a.m.    Open Session**

- II.   Action Items**
  - Resolution Extending Time Pursuant to Government Code Section 18671.1
  - Non-Hearing Agenda
  - Career Executive Assignment (CEA) Category Activity
  - Hearing Agenda
    - 1. Submitted Items
    - 2. Evidentiary & Non-Evidentiary Cases

Attachment 2

Attachment 3

Attachment 4

Attachment 5

Attachment 6

**I. Employee Appointments, Disciplinary Matters, and Other Appeals**

Deliberations to consider matters submitted at prior hearing.  
[Government Code Sections 1126(c)(3), 18653(3)]

**II. Deliberation on Non-Evidentiary Cases and Adverse Actions, Discrimination Complaints and other Proposed Decisions Submitted by Administrative Law Judges**

Deliberations on proposed, rejected, remanded, and submitted decisions, petitions for rehearing, and other matters related to cases heard by Administrative Law Judges of the State Personnel Board or by the Board itself.  
[Government Code sections 1126(c)(3), 18653]

**III. Pending Litigation**

Conference with legal counsel to confer with and receive advice regarding pending litigation when discussion in open session would be prejudicial.  
[Government Code sections 1126(e), 18653.]

Patrick McCollum v. State of California  
United States District Court, Northern District of California  
Case No. C 04-03339 CRB

Plata, et al. v. Schwarzenegger, et al.  
United States District Court, Northern District of California  
Case No. C01-1351 TEH

Carpenters Local 46 v. State of California, et al.  
Sacramento Superior Court Case No. 05AS01613

Service Employees Local 1000 v. California Department of Education, et al.  
Sacramento Superior Court Case No. 34-2009-00032144-CU-WM-GDS

Three Ranks Pilot Project

**IV. Recommendations to the Legislature**

Deliberations on recommendations to the Legislature.  
[Government Code section 18653]

**V. Recommendations to the Governor**

Deliberations on recommendations to the Governor.  
[Government Code section 18653]

**VI. Employee Personnel Matter**

Discussion concerning the appointment and employment of Chief Counsel candidates.  
[Government Code section 1126(a)(1)]

**NOTICE OF GOVERNMENT CODE SECTION 18671.1 RESOLUTION**

Since Government Code section 18671.1 requires that cases pending before State Personnel Board Administrative Law Judges (ALJ's) be completed within six months or no later than 90 days after submission of a case, whichever is first, absent the publication of substantial reasons for needing an additional 45 days, the Board hereby publishes its substantial reasons for the need for the 45-day extension for some of the cases now pending before it for decision.

An additional 45 days may be required in cases that require multiple days of hearings, that have been delayed by unusual circumstances, or that involve any delay generated by either party (including, but not limited to, submission of written briefs, requests for settlement conferences, continuances, discovery disputes, pre-hearing motions). In such cases, six months may be inadequate for the ALJ to hear the entire case, prepare a proposed decision containing the detailed factual and legal analysis required by law, and for the State Personnel Board to review the decision and adopt, modify or reject the proposed decision within the time limitations of the statute.

Therefore, at its next meeting, the Board will issue the attached resolution extending the time limitation by 45 days for all cases that meet the above criteria, and that have been before the Board for less than six months as of the date of the Board meeting.

**GOVERNMENT CODE SECTION 18671.1 RESOLUTION**

WHEREAS, Section 18671.1 provides that, absent waiver by the appellant, the time period in which the Board must render its decision on a petition pending before it shall not exceed six months from the date the petition was filed or 90 days from the date of submission; and

WHEREAS, Section 18671.1 also provides for an extension of the time limitations by 45 additional days if the Board publishes substantial reasons for the need for the extension in its calendar prior to the conclusion of the six-month period; and

WHEREAS, the Agenda for the instant Board meeting included an item titled "Notice of Government Code section 18671.1 Resolution" which sets forth substantial reasons for utilizing that 45-day extension to extend the time to decide particular cases pending before the Board;

WHEREAS, there are currently pending before the Board cases that have required multiple days of hearing and/or that have been delayed by unusual circumstances or by acts or omissions of the parties themselves;

NOW, THEREFORE, BE IT RESOLVED AND ORDERED that the time limitations set forth in Government Code section 18671.1 are hereby extended an additional 45 days for all cases that have required multiple days of hearing or that have been delayed by acts or omissions of the parties or by unusual circumstances and that have been pending before the Board for less than six months as of the date this resolution is adopted.

## **NON-HEARING AGENDA**

The following proposals are made to the State Personnel Board by either the Board staff or Department of Personnel Administration staff. It is anticipated that the Board will act on these proposals without a hearing. Anyone with concerns or opposition to any of these proposals should submit a written notice to the Executive Officer clearly stating the nature of the concern or opposition. Such notice should explain how the issue in dispute is a merit employment matter within the Board's scope of authority as set forth in the State Civil Service Act (Government Code section 18500 et seq.) and Article VII of the California Constitution. Matters within the Board's scope of authority include, but are not limited to, personnel selection, employee status, discrimination and affirmative action. Matters outside the Board's scope of authority include, but are not limited to, compensation, employee benefits, position allocation, and organization structure. Such notice must be received not later than close of business on the Wednesday before the Board meeting at which the proposal is scheduled. Such notice from an exclusive bargaining representative will not be entertained after this deadline, provided the representative has received advance notice of the classification proposal pursuant to the applicable memorandum of understanding. In investigating matters outlined above, the Executive Officer shall act as the Board's authorized representative and recommend that the Board either act on the proposals as submitted without a hearing or schedule the items for a hearing, including a staff recommendation on resolution of the merit issues in dispute.

### **A. BOARD ITEMS PRESENTED BY STATE PERSONNEL BOARD OR DEPARTMENT OF PERSONNEL ADMINISTRATION TO ESTABLISH, REVISE OR ABOLISH CLASSIFICATIONS, ALTERNATE RANGE CRITERIA, ETC.**

#### **(1) RECEIVER'S CLINICAL ADMINISTRATOR**

The California Prison Health Care Services requests establishment of the above position in order to create a clinical management structure within the California Department of Corrections and Rehabilitation's adult institutions.

### **B. ABOLISHMENT OF CLASSES THAT HAVE HAD NO INCUMBENTS FOR MORE THAN TWO YEARS. DEPARTMENTS THAT UTILIZE THE CLASS AS WELL AS THE APPROPRIATE UNION HAVE NO OBJECTION TO THE ABOLISHMENT OF THESE CLASSES.**

**THE DEPARTMENT OF PERSONNEL ADMINISTRATION AND STATE PERSONNEL BOARD** proposes to abolish the following unused classifications, which have been vacant for more than twenty-four months. Departments that utilize the class as well as the appropriate union have no objection to the abolishment of these classes. When classes are proposed to be abolished which are part of a class series, and other classes within the series will continue to be used, the class specification is included in the board item.

**NONE**

**C. BACKDATE OF APPOINTMENTS**

State Personnel Board staff proposes the adoption of the following matters in which departments have requested an employee be appointed retroactively to a position. Staff has reviewed the following requests and has advised the Board of recommended action.

**(1) CASE NO. 08-82BD**

**Request to Backdate Appointment**

**Classification:** Staff Services Analyst

**Department:** Consumer Affairs, Athletic Commission

TO: STATE PERSONNEL BOARD

FROM: Karen Coffee, Chief HR Planning and Innovation  
California Prison Health Care Services

SUBJECT: Proposed establishment of a new classification, Receiver's Clinical Administrator, with a one year probationary period.

SUMMARY OF ISSUES:

Federal Court Receiver Clark Kelso requests the establishment of a classification entitled Receiver's Clinical Administrator in order to create a clinical management structure within the California Department of Corrections and Rehabilitation's adult institutions. Positions within this class may be assigned as the statewide Chief or Assistant Chief in any clinical administrative program including but not limited to Operations Officer, Health Records, Clinical Support Services, and Telemedicine.

CONSULTED WITH:

Denise Masuhara, State Personnel Board  
Julie Chambers, Department of Personnel Administration  
Linda Buzzini, California Prison Health Care Services  
John Hagar, California Prison Health Care Services  
Dr. Terry Hill, California Prison Health Care Services

BACKGROUND:

On February 14, 2006, the United States District Court for the Northern District of California appointed Receiver Robert Sillen and set forth his duties in the Order Appointing Receiver ("Order").

The Order confers responsibility upon the Receiver to manage the California prison medical health care delivery system with the goal of restructuring the day-to-day operations and developing, implementing and validating a new, sustainable system that provides for constitutionally-adequate medical care as soon as practicable.

To this end, the Receiver has the Court ordered duty:

“...to control, oversee, supervise and direct all administrative, personnel, financial, accounting, contractual, legal and other operational functions of the medical delivery component of CDCR.”  
(Order Appointing Receiver, p.2, lines 15-17)

The Order further provides the Receiver:

“...shall exercise all powers vested by law in the Secretary of CDCR as they relate to the administration, control and management, operation and financing of the California prison medical health care system.” (Order Appointing Receiver, lines 4-7)

Among the Receiver’s specified powers are:

“...the ability to hire, fire, suspend, supervise, promote, transfer, discipline and take all other personnel actions regarding CDCR employees or contract employees who perform services related to the delivery of medical health care.” (Order Appointing Receiver, p.4, lines 13-17)

The Order also empowers the Receiver to:

“...establish personnel policies and to create, abolish or transfer positions related to the delivery of medical health care to class members.”

On July 3, 2007, an Order Re Receiver’s Motion for Waiver of State Law re Receiver’s Career Executive Assignments was issued, which recognized that:

“...the lack of medical leadership has...profound consequences for the delivery of medical care...[and] remedying the unconstitutional medical conditions within CDCR will necessarily require the infusion of new medical care executives/administrators who are well qualified and committed to revamping the current dysfunctional system and establish a culture of competence and professionalism.” (Order Re Receiver’s Motion Re...Receiver Career Executive Assignments, p.5, lines 16-20)

“...the Receiver can only succeed in this goal if he is able to hire medical health care executives/administrators through an open, competitive process that includes applicants from inside or outside State service.”

The Court ordered the Receiver and State Personnel Board (SPB) to meet and confer, and thereafter submit a joint report regarding whether they were able to agree upon “a mechanism for hiring medical health care executives/administrators for the CDCR” consistent with its Order.

On August 20, 2007, the SPB and Receiver entered into a stipulation regarding a mechanism for satisfying the objectives of the Receiver and the legitimate concerns raised by the Receiver and the SPB, in a manner consistent with the

California Constitution. On September 11, 2007, the stipulation was adopted as an order of the Court.

The Receiver's Clinical Administrator classification is the fifth classification to be developed under the auspices of this order. This broad class encompasses non-licensed clinical administrators such as the statewide Chief and Assistant Chief Operations Officer, Health Records, Clinical Support Services, and Telemedicine.

Incumbents in this class direct the development and implementation of clinical administrative programs and policies, staffing plans, training and educational programs, and formulate and make or recommend decisions regarding budgetary matters.

The classification includes minimum education, and experience requirements, desirable qualifications, special personal characteristics, special physical characteristics, and core competencies identified by subject matter experts as essential to successful job performance.

#### PROBATIONARY PERIOD:

A one year probationary period is appropriate for this class due to the professional nature of the job duties and the annual cyclical nature of some key job duties such as budget preparation and management.

#### SELECTION AND APPOINTMENT CONSIDERATIONS:

Initial examination and appointment into the class will be based on the degree to which candidates possess or exceed the minimum qualifications and desirable education and experience requirements. Possession of core competencies will be assessed during the hiring process as well as during any limited term appointment and the one year probationary period, the final phase of the selection process. Individuals who are successful in the minimum and desirable qualifications based examination may be appointed to various types of assignments within the class. Per the aforementioned order, the Receiver may "...appoint individuals from the list...either permanently...or on a limited term basis for up to two years."

#### RECOMMENDATION:

That the classification of Receiver's Clinical Administrator be established with a one-year probationary period; and that the proposed specification as shown in this calendar be adopted effective February 25, 2009.



# CALIFORNIA STATE PERSONNEL BOARD

## SPECIFICATION

Schematic Code:  
Class Code:  
Established: \_\_\_\_\_  
Revised: --  
Title Changed: --

### RECEIVER'S CLINICAL ADMINISTRATOR

#### SCOPE

This specification describes clinical administrator positions with comprehensive management responsibility for delivery of administrative clinical inmate patient care. Positions within this class may be assigned as the statewide Chief or Assistant Chief in any clinical administrative program including but not limited to medical operations, health records, clinical services, clinical support, telemedicine, and medical quality improvement.

#### TYPICAL TASKS

Serve as the highest and second highest administrator and manage a major administrative clinical program within the California Department of Corrections and Rehabilitation, adult institutions; manage and coordinate the given administrative clinical service; plan for service delivery in any new facilities; participate in the development of enterprise-wide health information technology; ensure that practices comply with appropriate standards to deliver evidence-based, patient-centered care; ensure that institutions statewide have implemented an effective system that certifies competence to perform clinical duties; ensure that all services and patient record keeping are in compliance with federal and state laws and regulations; provide direct supervision of staff; functionally supervise regional and/or institutional managers of their administrative discipline regarding standards of practice, optimal medical work processes, and achievement thereof; participate in the selection of managers and recommend the appointment of candidates to the hiring authority; develop and monitor performance expectations; perform competency assessments; mentor and coach staff throughout the state; assist in evaluating staff and recommend corrective and adverse action to the hiring authority; develop and maintain ongoing programs to deliver, monitor, evaluate, and continuously improve the quality and appropriateness of health care within their scope of responsibility; ensure that administrative clinical services are well-functioning and that the timely provision of service is available to staff and patients in accordance with appropriate standards of care; provide guidance and direction to subordinates in carrying out their responsibilities to ensure an even flow of work assignments, personnel, and patients; ensure and maintain required documentation for compliance with pertinent licensing,

regulatory and legal requirements; ensure compliance with safety, environmental and infection control standards; develop, implement, maintain and enforce policies, procedures and protocols; direct the development and implementation of staffing plans; ensure that all employees are properly oriented, trained, and that annual competencies, certifications, and licensure and education requirements are current; enhance professional growth and development of department staff through participation in educational programs, current literature, in-service meetings and workshops; compile and prepare reports and analyses reflecting volume of work, procedures utilized and output results and setting forth progress, adverse trends and appropriate recommendations and/or conclusions; assess and communicate recommendations for utilization of space, space needs, personnel and other resources as needed to meet patient needs; evaluate and recommend supplies, new equipment purchase, selection, and technologies; formulate and assist with the formulation of operational and capital budgets, negotiate and manage contracts with vendors as needed; make decisions or recommend a course of action with regard to management of the budget; participate in space and program planning for any new health care facilities; participate in planning for new information technology solutions and serve as subject matter expert as needed; serve on interdisciplinary committees as requested; develop and foster collaboration with mental health, dental, and medical staff, nursing, clinical departments, and custody staff to ensure an integrated and coordinated approach to providing services and resolution of complaints or problems.

#### MINIMUM QUALIFICATIONS

Experience: Three years of progressively responsible experience in health care administration or medical management, which must have included at least two years with responsibility for supervision of a broad variety of clinical administrative, management, and clinical support services in a setting comparable to those found within a hospital, health maintenance organization, or other health care system. and

Education: Possession of a Master's Degree in Public Health, Health Administration, Medical Management, Health Planning, Public Administration, or a closely related health professional or business management field.

#### Or II

Experience: Five years of progressively responsible experience in health care administration or medical management which must have included at least three years with responsibility for supervision of a broad variety of clinical administrative, management, and clinical support services in a setting comparable to those found within a hospital, health maintenance organization, or other health care system. and

Education: Possession of a Bachelor's Degree from a recognized college or university

ADDITIONAL DESIRABLE QUALIFICATIONS

Administrative clinical experience in a correctional facility; and experience in health care program design and development.

REQUIRED CORE COMPETENCIES

Professional/technical expertise: Is comprehensively knowledgeable of the most current information, techniques, practices, laws, and regulations of the field; has clear developmental record of formal and on-the-job acquisition of knowledge and skills of the occupation; uses knowledge and judgment in applying appropriate methods and techniques to ensure speed, quality, and consistency in work products; and handles the most challenging tasks requiring technical expertise.

Customer and patient focus: Shows interest in and understanding of the needs, expectations, and circumstances of internal and external customers and patients at the individual, group, or organizational level; explores options and pursues solutions to resolve issues of customers or patients; is responsive, pleasant, and professional; looks at the organization and its services from the customer's and patient's point of view; and seeks and uses customer and patient feedback to improve services or products.

Teamwork: Understands his/her role on the team, yet does whatever is needed to make the team successful; helps team members who need or ask for support or assistance; puts team results ahead of personal success; brings out the best in others on the team; and shares credit for group accomplishments.

Valuing diversity: Sees the benefit of having differing backgrounds and points of view in the workplace, and leverages those differences in group processes and decision making; and supports professional development and career opportunity equally for all.

Managing performance: Sets and aligns individual performance goals with the goals of the unit; involves employees in setting their performance goals; ensures employees have the means and skills to accomplish their goals; tracks and measures individual and unit performance; provides ongoing feedback; treats all employees in an objective and consistent manner; and intervenes to correct poor performance, following steps of progressive discipline.

Leadership: Creates a positive work environment in which all staff are motivated to do their best; ensures that clear, challenging, and attainable goals are set for a group and that these goals are aligned with the goals of the organization/department; ensures that the

importance and benefits of goals and methods are understood and accepted by those who will carry them out; and conveys confidence and optimism in the group's ability to overcome obstacles and accomplish its goals.

Planning and organizing: Determines the logically necessary sequence of activities and the efficient level of resources needed to achieve a goal; recognizes and addresses the interdependencies of activities and resources; clarifies roles and responsibilities; anticipates problems and mitigates risks; and produces a realistic schedule of completion.

Organizational savvy: Understands the inner workings and interrelationships of the organization; knows whose support is needed to cut red tape; gets things done through formal channels and informal networks; maintains good working relationships with key players throughout the organization; and aligns and maneuvers organizational resources and internal politics skillfully to solve problems or accomplish goals.

Process improvement: Knows how to separate and combine activities into efficient workflow; benchmarks best practices in the industry; knows what to measure and how to measure it for tracking quality, quantity, schedule, resource utilization, and customer feedback; knows how to identify process problems and opportunities for improvement and simplification; and leverages technology.

Developing others: Coaches others regardless of performance level; shows insight into causes of poor performance and how performance can be improved; shares knowledge and expertise willingly; offers on-going feedback, suggestions, and encouragement; acknowledges progress and growth; and supports others' career development plans.

Managing change: Understands the dynamics of organizational change; knows and guides the planning, process changes, role redefinition, retraining, incentive, and communication steps in transitioning from one organizational state to another; involves key stakeholders in planning and decision making; maintains a high level of communication about the reasons, benefits, opportunities, and difficulties of change; and encourages others and supports them through the transition.

Strategic view: Focuses on the future and where current trends will lead; understands the factors that are shaping the industry and anticipates the opportunities that will be opening and closing; keeps an eye on the big picture and long-range possibilities and implications; and makes, evaluates, and revises long-range plans and goals taking into consideration the organization's core competencies, customers, competition, available resources, and strengths and weaknesses.

Assessing Talent: Understands and recognizes the qualities that differentiate highly successful employees from the average ones; is an

astute observer of others' performance; shows skill in asking questions and eliciting detailed and accurate information regarding others' capabilities and weaknesses; and reaches well-articulated conclusions regarding others' strengths and developmental needs.

Relationship Building: Develops and maintains work relationships and continuously works to improve relationships, contacts, and network; maintains an open and approachable manner and easily builds rapport with others; respects others regardless of differences in interest, perspectives, background, and organizational level; and treats others sensitively, fairly, and consistently.

Negotiating: Gains rapport and trust from other parties; works from a strong knowledge base; wins concessions from others; seeks mutually agreeable trade-offs in deal-making; questions and counters others' proposals without damaging relations; holds ground appropriately; and knows how to walk away amicably with the best deal possible.

Handling Conflict: Deals with interpersonally and/or politically challenging situations calmly and diplomatically, diffusing tension; thoughtfully intervenes in conflicts to facilitate communication and resolve problems, finding common ground when possible; and handles complaints and disputes with composure and tact.

Oral Communication: Uses correct vocabulary and grammar; presents information clearly and in an organized manner; gets to the point; questions others skillfully; recognizes nonverbal cues in listeners and adjusts speech and tone accordingly; adjusts word choice according to the audience and purpose; and uses tone, inflection, pauses, and body language for increased impact.

**CAREER EXECUTIVE ASSIGNMENT (CEA) CATEGORY ACTIVITY**

This section of the Agenda serves to inform interested individuals and departments of proposed and approved CEA position actions. The first section lists position actions that have been proposed and are currently under consideration. Any parties having concerns with the merits of a proposed CEA position action should submit their concerns in writing to the Classification and Compensation Division of the Department of Personnel Administration, the Consulting Services Division of the State Personnel Board, and the department proposing the action. To assure adequate time to consider objections to a CEA position action, issues should be presented immediately upon receipt of the State Personnel Board Agenda in which the proposed position action is noticed as being under consideration, and generally no later than a week to ten days after its publication. In cases where a merit issue has been raised regarding a proposed CEA position action and the dispute cannot be resolved, a hearing before the five-member Board may be scheduled. If no merit issues are raised regarding a proposed CEA position action, and the State Personnel Board approves it, the action becomes effective without further action by the Board. The second section of this portion of the Agenda reports those position actions that have been approved. They are effective as of the date they were approved by the Executive Officer of the State Personnel Board.

**A. REQUESTS TO ESTABLISH NEW OR REVISE EXISTING CEA POSITIONS CURRENTLY UNDER CONSIDERATION**

**(1) DEPUTY DIRECTOR, INFORMATION TECHNOLOGY SERVICES DIVISION**

The California State Lottery proposes to revise the above position. The revised position will be responsible for managing a highly complex and specialized integrated gaming system. The incumbent will serve as advisor to the Director and Commission on all issues under the purview of the Information Technology Services Division.

**(2) CHIEF, MEDICAL SUPPORT OPERATIONS, CALIFORNIA PRISON HEALTH CARE SERVICES (38 POSITIONS)**

The California Prison Health Care Services proposes to allocate the above positions to the CEA category. The positions will provide management of the institution's Medical Department administrative services, such as plant operations, contracts, supplies, communications, medical records, and to coordinate with human resources programs to ensure timely delivery of accurate information and services.

**B. EXECUTIVE OFFICER DECISIONS REGARDING REQUESTS TO ESTABLISH NEW OR REVISE EXISTING CEA POSITIONS**

**(1) DEPUTY DIRECTOR, EMERGENCY MEDICAL SERVICES POLICY AND LEGISLATIVE AND EXTERNAL AFFAIRS**

The Emergency Medical Services (EMS) Authority's request to allocate the above position to the CEA category has been approved effective January 27, 2009.

- (2) CHIEF, COURT COMPLIANCE, DIVISION OF JUVENILE JUSTICE**  
The Department of Corrections and Rehabilitation, Division of Juvenile Justice's request to allocate the above position to the CEA category has been approved January 27, 2009
- (3) DIRECTOR, ECONOMIC & EMPLOYMENT ENFORCEMENT COALITION**  
The Labor and Workforce Development Agency's request to allocate the above position to the CEA category has been approved effective January 27, 2009.
- (4) RECEIVER'S CHIEF DEPUTY**  
The California Prison Health Care Services' requests to allocate the above position to the CEA category has been approved effective January 27, 2009.
- (5) CHIEF, MEDICAL SUPPORT OPERATIONS, (PELICAN BAY) CALIFORNIA PRISON HEALTH CARE SERVICES**  
The California Prison Health Care Services' request to allocate the above position to the CEA category has been approved effective January 27, 2009.
- (6) CHIEF, MEDICAL POLICY AND PROGRAM COMPLIANCE**  
The California Prison Health Care Services' request to allocate the above position to the CEA category has been approved effective January 27, 2009.
- (7) ADVANCED CLINICAL PRACTITIONER EXECUTIVE**  
California Prison Health Care Services' request to allocate the above position to the CEA category has been approved effective January 27, 2009.
- (8) PROCUREMENT DIVISION BRANCH CHIEF**  
The Department of General Services' request to allocate the above position to the CEA category has been approved effective January 27, 2009.
- (9) FISCAL MANAGER, DEPARTMENT OF INDUSTRIAL RELATIONS**  
The Department of Industrial Relations' request to allocate the above position to the CEA category has been approved effective January 26, 2009.

**SUBMITTED ITEMS NOT SCHEDULED FOR ACTION**

These items have been taken under submission by the State Personnel Board at a prior meeting and are not scheduled for action at this meeting.

**A. RECEIVER'S REQUEST FOR DELEGATION AND MODIFICATION TO PROCESSES**

The Receiver's Office requested the Board delegate several classification functions to the Receiver's Office, subject to Board audit, and requested the Board approve revised procedures for reviewing examination and classification requests submitted by the Receiver's Office.

**B. CALIFORNIA DEPARTMENT OF CORRECTIONS AND REHABILITATION'S PROPOSED ESTABLISHMENT OF NEW CLASS, MENTAL HEALTH THERAPIST**

Department of Corrections and Rehabilitation proposed the establishment of a new class, Mental Health Therapist, Correctional Facility, with a twelve month probationary period and designation of the class as sensitive under State Personnel Board Rule 213 for the purpose of pre-employment drug testing.

**SUBMITTED ITEMS SCHEDULED FOR ACTION**

These items have been taken under submission by the State Personnel Board at a prior meeting and are scheduled for action at this meeting.

**NONE**



## EVIDENTIARY CASES

### A. ADMINISTRATIVE LAW JUDGES' PROPOSED DECISIONS AFTER HEARING

The Board Administrative Law Judges (ALJ) conduct evidentiary hearings in appeals that include, but are not limited to, adverse actions, medical terminations, demotions, discrimination, reasonable accommodations, and whistleblower complaints.

These are ALJ proposed decisions submitted to the Board for the first time.

- (1) **CASE NO. 08-1464**  
Appeal from ten percent reduction in salary for 12 pay periods  
**Classification:** Chief Dentist  
**Department:** Department of Corrections and Rehabilitation
- (2) **CASE NO. 07-4706**  
Appeal from dismissal  
**Classification:** Youth Correctional Counselor  
**Department:** Department of Corrections and Rehabilitation
- (3) **CASE NO. 05-2453**  
Appeal from dismissal  
**Classification:** Correctional Officer  
**Department:** Department of Corrections and Rehabilitation

### PROPOSED DECISIONS AFTER BOARD REMAND

NONE

### PROPOSED DECISIONS AFTER SPB ARBITRATION

NONE

### B. PETITIONS FOR REHEARING

The Board will vote to grant or deny a petition for rehearing filed by one or both parties, regarding a case already decided by the Board.

- (1) **CASE NO. 06-1937P**  
Appeal from dismissal  
**Classification:** Reentry Program Instructor  
**Department:** Department of Corrections and Rehabilitation
- (2) **CASE NO. 07-3362P**  
Appeal from dismissal  
**Classification:** Officer, CHP  
**Department:** Department of the California Highway Patrol

- (3) **CASE NO. 07-5437NP**  
Appeal for request to file charges  
**Classification:** Microfilm Technician II  
**Department:** Secretary of State

**C. PENDING BOARD REVIEW**

These cases are pending preparation of transcripts, briefs, or the setting of oral argument before the Board. No materials included.

- (1) **CASE NO. 04-2605A, CASE NO. 04-2614A, CASE NO. 04-2606A, CASE NO. 04-2607A, CASE NO. 04-2608A, CASE NO. 04-2611A**  
Appeals from dismissal  
**Classifications:** Correctional Sergeant and Correctional Officer  
**Department:** Department of Corrections and Rehabilitation  
Decision rejected January 14, 2009.  
Pending transcripts.
- (2) **CASE NO. 07-3421PA**  
Appeal from dismissal  
**Classification:** Correctional Officer  
**Department:** Department of Corrections and Rehabilitation  
Petition for rehearing granted October 21, 2008.  
Transcripts prepared.  
Oral argument set for February 11, 2009.  
Oral argument continued.
- (3) **CASE NO. 07-3302A**  
Appeal from dismissal  
**Classification:** Custodian  
**Department:** Department of General Services  
Proposed decision rejected December 16, 2009.  
Transcripts prepared.
- (4) **CASE NOS. 05-4338EA & 05-4339A**  
Appeal from denial of reasonable accommodation and constructive medical termination  
**Classification:** Registered Nurse  
**Department:** Department of Corrections and Rehabilitation  
Decision rejected September 23, 2008.  
Transcripts prepared.  
Oral argument set for December 2, 2008, San Francisco.  
Oral argument continued.  
Oral argument set for February 11, 2009.  
Oral argument continued.

**(5) CASE NO. 07-1920A**

Appeal from constructive medical separation and for benefits pursuant to Government Code §19253.5

**Classification:** Parole Agent I

**Department:** Department of Corrections and Rehabilitation

Decision rejected January 14, 2009.

Pending transcripts.

**(6) CASE NO. 06-3735A**

Appeal from demotion

**Classification:** Patrol Lieutenant Supervisor

**Department:** Department of Fish and Game

Decision rejected January 14, 2009.

Pending transcripts.

**(7) CASE NO. 08-0440PA**

Appeal from dismissal

**Classification:** Correctional Sergeant

**Department:** Department of Corrections and Rehabilitation

Petition for rehearing granted October 21, 2008.

Transcripts prepared.

**(8) CASE NO. 07-3822PA**

Appeal from medical demotion

**Classification:** Psychiatric Technician (Safety)

**Department:** Department of Mental Health

Petition for rehearing granted January 14, 2009.

Pending transcripts.

**(9) CASE NO. 07-1749PA**

Appeal from automatic resignation

**Classification:** Youth Correctional Officer (Permanent-Intermittent)

**Department:** Department of Corrections and Rehabilitation

Petition for rehearing granted October 21, 2008.

Transcripts prepared.

Oral argument set for February 11, 2009.

Oral argument continued.

**(10) CASE NO. 07-0996PA**

Appeal from dismissal

**Classification:** Physician & Surgeon, CF

**Department:** Department of Corrections and Rehabilitation

Petition for rehearing granted January 27, 2009.

Pending transcripts.

**(11) CASE NO. 07-3440A**

Appeal from 10 percent reduction in salary for 13 months

**Classification:** Correctional Lieutenant

**Department:** Department of Corrections and Rehabilitation

Decision rejected January 14, 2009.

Pending transcripts.

**(12) CASE NO. 06-2882A**

Appeal from dismissal

**Classification:** Correctional Officer

**Department:** Department of Corrections and Rehabilitation

Decision rejected January 14, 2009.

Pending transcripts.

**(13) CASE NO. 07-3873PA**

Appeal from dismissal

**Classification:** Correctional Lieutenant

**Department:** Department of Corrections and Rehabilitation

Petition for rehearing granted October 21, 2008.

Transcripts prepared.

Oral argument set for February 11, 2009.

Oral argument continued.

**(14) CASE NO. 07-1534PA**

Appeal from denial of reasonable accommodation

**Classification:** Supervising Registered Nurse II

**Department:** Department of Corrections and Rehabilitation

Petition for rehearing granted January 27, 2009.

Pending transcripts.

**D. ORAL ARGUMENTS**

These cases will be argued at this meeting or will be considered by the Board in closed session based on written arguments submitted by the parties. No materials included. Material provided to Board under separate cover.

**NONE**

**E. CHIEF COUNSEL RESOLUTIONS**

No materials included. Material provided to Board under separate cover.

**NONE**

**F. PENDING BOARD DECISIONS**

These items have been taken under submission by the State Personnel Board at a prior meeting. No materials included.

**NONE**

**NON-EVIDENTIARY CASES**

**G. WITHHOLD APPEALS**

Cases heard by a Staff Hearing Officer, a managerial staff member of the State Personnel Board or investigated by Appeals Division staff. The Board will be presented recommendations by a Staff Hearing Officer or Appeals Division staff for final decision on each appeal.

**WITHHOLD FROM CERTIFICATION**  
**CASES NOT HEARD BY A STAFF HEARING OFFICER**

- (1) CASE NO. 07-4572N**  
**Classification:** Correctional Officer  
**Department:** California Department of Corrections and Rehabilitation  
**Issue:** Suitability; omitted pertinent information and illicit drug use.
- (2) CASE NO. 07-5617N**  
**Classification:** Correctional Officer  
**Department:** California Department of Corrections and Rehabilitation  
**Issue:** Suitability; omitted pertinent information.
- (3) CASE NO. 08-1442N**  
**Classification:** Correctional Officer  
**Department:** California Department of Corrections and Rehabilitation  
**Issue:** Suitability; omitted pertinent information
- (4) CASE NO. 07-2811N**  
**Classification:** Correctional Counselor I  
**Department:** California Department of Corrections and Rehabilitation  
**Issue:** Does not meet the minimum experience qualifications.
- (5) CASE NO. 07-2575N**  
**Classification:** Youth Correctional Officer  
**Department:** California Department of Corrections and Rehabilitation  
**Issue:** Suitability; felony conviction and lifetime firearms prohibition.
- (6) CASE NO. 07-5340N**  
**Classification:** Correctional Officer/Youth Correctional Officer  
**Department:** California Department of Corrections and Rehabilitation  
**Issue:** Suitability; furnished inaccurate information and omitted pertinent information.
- (7) CASE NO. 07-2817N**  
**Classification:** Correctional Officer  
**Department:** California Department of Corrections and Rehabilitation  
**Issue:** Suitability; furnished inaccurate information, omitted pertinent information and negative law enforcement contacts.

- (8) **CASE NO. 07-3155N**  
**Classification:** Correctional Officer  
**Department:** California Department of Corrections and Rehabilitation  
**Issue:** Suitability; negative driving history.
- (9) **CASE NO. 07-4414N**  
**Classification:** Correctional Officer  
**Department:** California Department of Corrections and Rehabilitation  
**Issue:** Suitability; fraud.
- (10) **CASE NO. 07-3248N**  
**Classification:** Correctional Officer  
**Department:** California Department of Corrections and Rehabilitation  
**Issue:** Suitability; omitting pertinent information during the selection process.
- (11) **CASE NO. 07-6421N**  
**Classification:** Correctional Officer  
**Department:** California Department of Corrections and Rehabilitation  
**Issue:** Suitability; Driving Under the Influence conviction within five years of application.
- (12) **CASE NO. 07-5282N**  
**Classification:** Correctional Officer  
**Department:** California Department of Corrections and Rehabilitation  
**Issue:** Suitability; omitted pertinent information and negative law enforcement contacts.
- (13) **CASE NO. 08-1654N**  
**Classification:** Correctional Officer  
**Department:** California Department of Corrections and Rehabilitation  
**Issue:** Suitability; negative employment history.
- (14) **CASE NO. 07-4134N**  
**Classification:** Correctional Officer  
**Department:** California Department of Corrections and Rehabilitation  
**Issue:** Suitability; firearms prohibition.
- (15) **CASE NO. 07-3940N**  
**Classification:** Cadet  
**Department:** California Highway Patrol  
**Issue:** Suitability; furnished inaccurate information and omitted pertinent information.

**H. MEDICAL AND PSYCHOLOGICAL SCREENING APPEALS**

Cases heard by a Staff Hearing Panel comprised of a managerial staff member of the State Personnel Board and a medical professional. The Board will be presented recommendations by a Hearing Panel on each appeal.

**CASES HEARD BY A STAFF HEARING OFFICER**

- (1) **CASE NO. 07-2140N**  
**Classification:** Cadet  
**Department:** California Highway Patrol
- (2) **CASE NO. 07-1656N**  
**Classification:** Correctional Officer  
**Department:** California Department of Corrections and Rehabilitation
- (3) **CASE NO. 07-1408N**  
**Classification:** Correctional Officer  
**Department:** California Department of Corrections and Rehabilitation
- (4) **CASE NO. 07-1422N**  
**Classification:** Correctional Officer  
**Department:** California Department of Corrections and Rehabilitation

**DISMISSED CASES**

No materials included.

- (1) **CASE NO. 08-1739N**  
**Classification:** Correctional Officer  
**Department:** California Department of Corrections and Rehabilitation
- (2) **CASE NO. 07-6171N**  
**Classification:** Psychiatric Technician Training Candidate  
**Department:** Department of Mental Health
- (3) **CASE NO. 07-4749N**  
**Classification:** Correctional Officer  
**Department:** California Department of Corrections and Rehabilitation
- (4) **CASE NO. 08-3814N**  
**Classification:** Correctional Officer  
**Department:** California Department of Corrections and Rehabilitation
- (5) **CASE NO. 08-1485N**  
**Classification:** Correctional Officer  
**Department:** California Department of Corrections and Rehabilitation
- (6) **CASE NO. 08-1535N**  
**Classification:** Correctional Officer  
**Department:** California Department of Corrections and Rehabilitation

- (7) **CASE NO. 08-2569N**  
**Classification:** Correctional Officer  
**Department:** California Department of Corrections and Rehabilitation
- (8) **CASE NO. 07-6265N**  
**Classification:** Youth Correctional Officer  
**Department:** California Department of Corrections and Rehabilitation
- (9) **CASE NO. 07-2714N**  
**Classification:** Cadet  
**Department:** California Highway Patrol

**I. REQUEST TO FILE CHARGES CASES**

Investigated by Appeals Division staff. The Board will be presented recommendations by Appeals Division staff for final decision on each request.

**NONE**

**J. EXAMINATION APPEALS, MINIMUM QUALIFICATIONS, MERIT ISSUE COMPLAINTS**

Cases heard by a Staff Hearing Officer, a managerial staff member of the State Personnel Board or investigated by Appeals Division staff. The Board will be presented recommendations by a Staff Hearing Officer or Appeals Division staff for final decision on each appeal.

**NONE**

**K. RULE 211 APPEALS, RULE 212 OUT OF CLASS APPEALS, VOIDED APPOINTMENT APPEALS**

Cases heard by a Staff Hearing Officer, or a managerial staff member of the State Personnel Board. The Board will be presented recommendations by a Staff Hearing Officer for final decision on each appeal.

**RULE 211**

- (1) **CASE NO. 06-3879N**  
**Classification:** N/A  
**Department:** California Department of Transportation

**RULE 212**

**NONE**

**VOIDED APPOINTMENTS**

**NONE**